from the state, and, as has been shown above, one act may offend both state and nation.

DOMICILE — HUSBAND AND WIFE: POSSIBILITY OF SEPARATE DOMICILE — Parties who were married in 1878 and resided in Scotland, parted by consent in 1893, the husband going to Australia and never returning to Scotland. The wife never went to Australia. In 1902, the husband went through the form of a bigamous marriage. In 1915, suit for divorce was brought by the wife in Scotland. While the suit was pending, she died. In order to determine the validity of the imposition of a tax, it was necessary to decide where the wife was domiciled. *Held*, that she was domiciled in Australia. *Lord Advocate* v. *Jaffrey*, [1921] 1 A. C. 146.

The proposition that the domicile of a married woman is that of her husband, though by no means universally approved, has hitherto been generally conceded to be a correct statement of the law. See Joseph H. Beale, "The Domicile of a Married Woman," 2 SOUTH. L. QUART. 93, 95. But recently in America, and even aside from the controversial question of domicile for purposes of divorce proceedings, courts have not been averse to qualifying, if not abandoning, the doctrine. There is some little authority to the effect that, once having acquired grounds for divorce, and the obligation to live with the husband having ended, the wife may acquire a separate domicile for any purpose. *Williamson* v. *Osenton*, 232 U. S. 619; *Shute* v. *Sargent*, 67 N. H. 305, 36 Atl. 282. And there are sporadic decisions to the effect that a voluntary separation for an extended period enables the wife to acquire a separate domicile. *Matter of Florance*, 54 Hun, 328, 7 N. Y. Supp. 578, appeal dismissed 119 N. Y. 661, 23 N. E. 1151. See *Buchholz* v. *Buchholz*, 63 Wash. 213, 115 Pac. 88. See also 28 HARV. L. REV. 196. When it is considered that in the principal case we have (1) an agreement to separate, (2) a separation for twenty-two years, and (3) undoubted cause for divorce, this House of Lords decision must be deemed a decisive and unequivocal adherence to the general rule as to the domicile of a wife, and indicates a disinclination to depart from that rule under any circumstances.

EQUITABLE SERVITUDES — INJUNCTIONS — VIOLATION OF MUTUAL BUILDING RESTRICTIONS OR ACQUIESCENCE THEREIN AS A BAR TO ENFORCEMENT. — The deeds of all lots in a tract contained restrictions against building within thirty feet of the street. Many of the owners, including the plaintiffs, built open porches which encroached upon the restricted area, but no objection was ever raised. The defendant commenced to reconstruct his house so that the main part would extend eight feet beyond the building line. The plaintiffs, including the owners of the property adjoining the defendant's lot, seek an injunction. *Held*, that the injunction be granted. *Scott* v. *Stoner*, 69 Pitts. Leg. Jour. 88 (Pa.).

When a tract of land is divided into lots subject to mutual building restrictions, violations by a considerable number of the grantees may make the purpose no longer attainable, and therefore the restrictions will be unenforceable, whether or not the complainant has participated in the violations. *Scharer* v. *Pantler*, 127 Mo. App. 433, 105 S. W. 668; *Ewertsen* v. *Gerstenberg*, 186 Ill. 344, 57 N. E. 1051. But even if the purpose is still attainable, a complainant may be barred by his laches in not objecting seasonably to the defendants' violations. *Roper* v. *Williams*, Turn. & R. 18. *Cf. Bouvier* v. *Segardi*, 112 Misc. 689, 183 N. Y. Supp. 814. Or his participation in the violations may bar any right to injunctive relief. *Loud* v. *Pendergast*, 206 Mass. 122, 92 N. E. 40. See BERRY, RESTRICTIONS ON USE OF REAL PROPERTY, § 397. Mere acquiescence in violations by others is not ground for denying a complainant relief against a subsequent violation. *Brigham* v. *Mulock Co.*, 74 N. J. Eq.

287, 70 Atl. 185; *Zipp* v. *Barker*, 40 App. Div. 1, 57 N. Y. Supp. 569. And participation in violations which are so trivial that the purpose of the restrictions is not materially impaired will not bar a complainant's rights to an injunction against a serious violation. *Bacon* v. *Sandberg*, 179 Mass. 396, 60 N. E. 936; *McGuire* v. *Caskey*, 62 Oh. St. 419, 57 N. E. 53; *Adams* v. *Howell*, 58 Misc. 435, 108 N. Y. Supp. 945. The principal case is illustrative of such a situation. It might even be said that upon a proper interpretation of the restrictions, looking at the substance, no violation whatsoever was committed by the construction of the porches; and that therefore the complainant, not having participated in any violation, is clearly entitled to relief.

EQUITY — JURISDICTION — DISCRETION OF COURT IN GRANTING RELIEF. — A bill was brought by the stockholders of a corporation praying for the cancellation of a sale of corporation property made by the directors, for inadequacy of consideration. The District Court found the consideration inadequate, but ordered that the property be placed at public auction and, if no higher price than the consideration paid be offered, the sale stand confirmed. The sale was held and, no higher bid being received, the original transaction was confirmed. The stockholders appealed. *Held*, that the sale be vacated as prayed. *Geddes et al.* v. *Anaconda Mining Co. et al.*, U. S. Sup Ct., Oct. Term, 1920, No. 25.

The decree of the lower court is an example of the occasional attempts made by equity judges to improvise that relief which appeals to them as most equitable. See *Haswell* v. *Standring*, 152 Ia. 291, 132 N. W. 417. See 25 HARV. L. REV. 290. Circumstances may indeed be conceived where a decree like the one in the principal case would be proper. See *Roth* v. *Burnham*, 126 Ill. App. 222. But in substance the condition sought to be imposed by the District Court not only selects an unreliable standard of value but also denies to the plaintiff rights to which he is already declared entitled. While a court of equity should respect and safeguard the rights of the defendant, it should not go so far as to create new rights for him. See *Manternach* v. *Studt*, 240 Ill. 464, 88 N. E. 1000. In further criticism of the decree of the lower court, it may be pointed out that the decree should be responsive to the prayer of the bill, at least if the relief asked for can be given. *Stanwood* v. *Des Moines Savings Bank*, 178 Fed. 670 (Cir. Ct. App., 8th Circ.).

EVIDENCE — ADMISSIBILITY OF CRIMES BARRED BY STATUTE OF LIMITATIONS TO PROVE INTENT. — The defendant was indicted under a statute for willfully omitting to examine the books of the auditor of accounts for a period ending in 1916. To prove the defendant's intent, the prosecution introduced evidence of similar omissions between 1910 and 1914. The defendant objected to this evidence on the ground that punishment for these offenses was barred by the Statute of Limitations. *Held*, that the evidence was properly admitted. *State* v. *Williams*, 111 Atl. 701 (Vt.).

Courts will not receive evidence of offenses similar to the one with which the accused is charged for the purpose of disparaging the character of the accused. *State* v. *Lapage*, 57 N. H. 245; *Ware* v. *State*, 91 Ark. 555, 121 S. W. 927. But whenever the intent of an accused is an essential ingredient of the crime with which he is charged, the intent may be proved by evidence of the mere commission of such prior offenses, because such evidence warrants the inference that the continued commissions were not unintentional. *Regina* v. *Francis*, L. R. 2 C. C. R. 128; *Commonwealth* v. *Russell*, 156 Mass. 196, 30 N. E. 763. Intent may be proved also by showing that the accused had that intent in those prior offenses, wherefrom it may be inferred that the intent still existed in the present instance. *Crum* v. *State*, 148 Ind. 401, 47 N. E. 833; *Schultz* v. *United States*, 200 Fed. 234 (Cir. Ct. App., 8th Circ.). It is clear that the